

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
DIVISION

FILED

2012 OCT 12 PM 1:04

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TN

WUBALEM.G. GEBREMEDHIN

1150 VULTEE BLVD APT A 202

NASHVILLE TN 37217

Name of Plaintiff

v.

Case No. \_\_\_\_\_

(To be assigned by Clerk)

Jury Demand ☐ Yes ☐ No

WHIRLPOOL CORPORATION

1714 HEIL QUAKER BLVD

LAVERGNE TN 37086

Name of Defendant(s)

**COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination. Jurisdiction is specifically conferred upon the Court by 42 U.S.C. § 2000e-5, or, if the Plaintiff is a federal employee, by 42 U.S.C. § 2000e-16. Relief is sought under 42 U.S.C. § 2000e-5(g) and/or 42 U.S.C. § 1981a(b).

2. Plaintiff, WUBALEM.G. GEBREMEDHIN is a citizen of the United States and resides at

1150 VULTEE BLVD APT A 202, NASHVILLE,  
Street address City

DAVIDSON, TN, 37217, 615-815-6106.  
County State Zip Code Telephone Number

3. Defendant, WHIRLPOOL CORPORATION resides at, or its business is located at

1714 HEIL QUAKER BLVD, La Vergne,  
Street address City

Rutherford, TN, 37086.  
County State Zip Code

(If more than one Defendant, list the name and address of each additional Defendant)

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4. Plaintiff sought employment from the Defendant or was employed by the Defendant at

1714 HEIL OAKER BLVD LAVERGNE  
 Street address City  
RUTHER FORD TN 37086  
 County State Zip Code

5. Defendant discriminated against Plaintiff in the manner indicated in paragraphs 8 and 9 of this Complaint on or about \_\_\_\_\_  
 Month Day Year

6. Plaintiff filed charges against the Defendant with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission charging the Defendant with the acts of discrimination indicated in paragraphs 8 and 9 of this Complaint on or about \_\_\_\_\_  
 Month Day Year

7. The Equal Employment Opportunity Commission or the United States Department of Justice issued a Notice of Right to Sue which was received by Plaintiff on \_\_\_\_\_  
 Month  
 \_\_\_\_\_, a copy of which Notice is attached.  
 Day Year

8. Because of Plaintiff's (1) \_\_\_\_\_ race, (2) \_\_\_\_\_ color, (3) \_\_\_\_\_ sex,  
 (4) \_\_\_\_\_ religion, (5) \_\_\_\_\_ national origin, the Defendant:

- a. yes failed to employ Plaintiff.
- b. ~~NO~~ terminated Plaintiff's employment.
- c. \_\_\_\_\_ failed to promote Plaintiff.
- d. \_\_\_\_\_ retaliated against Plaintiff for having filed a charge of discrimination.
- e. \_\_\_\_\_ other. Explain: I DIDNT KNOW WHEN THE WHIRLPOOL

PUT BAD RECORD ON ME UNTILL THE I FOUND OUT FROM  
LEGAL AID THAT I HAD BAD RECORD WITH THEY THEREFORE

I AM SEEKUNG ASISTANCE WHY AM I A BAD WORKER THROUGH  
WHIRLPOOL BUT WHEN ~~WE~~ I WAS WORKUNG FOR THEY I WAS A GOOD WORK  
KER

9. The circumstances under which Defendant discriminated against Plaintiff were as follows:

WHIRLPOOL I CANNOT BELIEVE THEY CHARGE ME BAD JUDGMENT  
AND EVERYTHEING ELSE I WAS OKAY BEHUND ME THROUGH COMPANY  
BUT NOW I CANNOT EVEN FIND AND THE JOB WITH OTHER  
EMPLOYERS BECOUSE OF MY BAD REFERENCE WITH WHIRLPOOL  
ANY ONE NO ONE TELLS ME GROUP LEADER OR SUPERVISOR DEPARTMENT MANAGE  
R OR GENERAL MANAGER I AM A BAD WORKER I AM ASKIN YOU  
TO JUSTICE 12-18-2007 AFTER I AM SEEK TO FOUND A JOB BECOUSE OF MY  
BAD REFERENCE THROUGH TO DAY 10-12-2012 THEY WILL PAY \$3-999.000  
 (You may use additional paper, if necessary.)

10. The acts set forth in paragraph 8 of this Complaint:

- a. \_\_\_\_\_ are still being committed by Defendant.
- b. \_\_\_\_\_ are no longer being committed by Defendant.
- c. \_\_\_\_\_ may still be being committed by Defendant.

11. Plaintiff attaches to this Complaint a copy of the charges filed with the Tennessee Human Rights Commission or the Equal Employment Opportunity Commission, which charges are submitted as a brief statement of the facts supporting this Complaint.

**WHEREFORE**, Plaintiff prays that the Court grant the following relief:

- a. \_\_\_\_\_ direct that Defendant employ Plaintiff, or
- b. \_\_\_\_\_ direct that Defendant re-employ Plaintiff, or
- c. \_\_\_\_\_ direct that Defendant promote Plaintiff, or
- d. \_\_\_\_\_ order other equitable or injunctive relief: \_\_\_\_\_

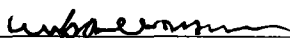
\_\_\_\_\_

- e. \_\_\_\_\_ direct that Defendant pay Plaintiff back pay in the amount of \_\_\_\_\_ and interest on back pay;

- f. \_\_\_\_\_ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \_\_\_\_\_

\_\_\_\_\_

- g. \_\_\_\_\_ direct that Defendant pay Plaintiff punitive damages in the amount of \_\_\_\_\_ because Defendant engaged in a discriminatory practice or practices with malice or with reckless indifference to Plaintiff's federally protected rights, as described in paragraphs 8 and 9 above; and that the Court grant such other relief as may be appropriate, including costs and attorney's fees.

  
 \_\_\_\_\_  
 (Signature of Plaintiff)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**494-2012-01904****Tennessee Human Rights Commission**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Wubalem G. Gebremedhin**

Home Phone (Incl. Area Code)

**(615) 815-6106**

Date of Birth

**01-01-1960**

Street Address

**1150 Vultee Blvd., Apt. A-202**

City, State and ZIP Code

**Nashville, TN 37217**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**WHIRLPOOL**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(615) 641-4705**

Street Address

**1714 Heil Quaker Blvd**

City, State and ZIP Code

**La Vergne, TN 37086**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☒ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest**11-03-2008****03-11-2012**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Since the closing of Whirlpool in 2008 bad references have been given on me to prospective employers. The most recent incident was June 14, 2012 when I applied for work at Walmart. I had been an employee with Whirlpool since 2000 as a refrigerator operator.

When I went to Legal Aid of TN about the matter I was advised that Whirlpool was against me.

I believe I have been and continue to be discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended, but I don't know why.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency requirements

I swear or affirm that I have read the above charge and that I am making the best of my knowledge, information and belief.  
 SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (month, day, year)

**Jul 12, 2012**

Date

Charging Party Signature



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Wubalem G. Gebremedhin**  
**P. O. Box 17884**  
**Nashville, TN 37217**

From: **Memphis District Office**  
**1407 Union Avenue**  
**Suite 901**  
**Memphis, TN 38104**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**25A-2012-00354**

**V. Paulette Wilson,**  
**Deferral Coordinator**

**(901) 544-0147**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Katharine W. Kores*

**Katharine W. Kores,**  
**Director**

**SEP 14 2012**

(Date Mailed)

Enclosures(s)

cc: **WALMART STORE 3717**  
**Spencer Phillips, Esq.**  
**Littler Mendelson, PC**  
**One Biscayne Tower, Suite 1500**  
**2 South Biscayne Boulevard**  
**Miami, FL 33131-1804**

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Wubalem G. Gebremedhin**  
**1150 Vultee Blvd., Apt. A-202**  
**Nashville, TN 37217**

From: **Nashville Area Office**  
**220 Athens Way**  
**Suite 350**  
**Nashville, TN 37228**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**494-2012-01904**

**Deborah K. Walker,**  
**Supervisory Investigator**

**(615) 736-2109**

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Other (briefly state)

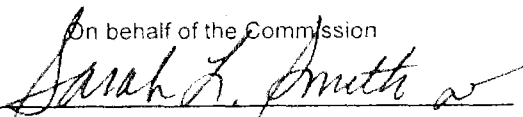
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On behalf of the Commission



**Sarah L. Smith,**  
**Area Office Director**

JUL 13 2012

Enclosures(s)

(Date Mailed)

cc

**Lawrence Leroy**  
**Sr Human Resource Manager**  
**WHIRLPOOL CORPORATION**  
**2000 N M-63**  
**Benton Harbor, MI 49022**